

CHAPTER 400

EDUCATION - POSTSECONDARY

HOUSE BILL 19-1178

BY REPRESENTATIVE(S) McLachlan, Van Winkle, Geitner, Buentello, McCluskie, Roberts, Singer;
also SENATOR(S) Donovan, Bridges, Crowder, Fields, Gonzales, Priola, Rodriguez, Tate, Todd, Winter.

AN ACT

CONCERNING THE NAME SIMPLIFICATION OF WESTERN STATE COLORADO UNIVERSITY TO WESTERN COLORADO UNIVERSITY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 23-56-101 as follows:

23-56-101. University established - role and mission. There is hereby established a university at Gunnison, which ~~shall be~~ is known as Western ~~state~~ Colorado university. Western ~~state~~ Colorado university ~~shall be~~ is a general baccalaureate institution with selective admission standards. Western ~~state~~ Colorado university ~~shall offer~~ OFFERS undergraduate liberal arts and sciences and professional degree programs, basic skills courses receiving resident credit pursuant to section 23-1-113.3, and a limited number of graduate programs. Western ~~state~~ Colorado university ~~shall also serve~~ ALSO SERVES as a regional education provider.

SECTION 2. In Colorado Revised Statutes, 23-56-102, **amend** (1), (3), (4), (6), (7) introductory portion, and (7)(a) as follows:

23-56-102. Board of trustees - creation - members - powers - duties. (1) (a) There is established the board of trustees for Western ~~state~~ Colorado university, referred to in this ~~article~~ ARTICLE 56 as the "board of trustees", which ~~shall consist~~ CONSISTS of eleven members and ~~shall be~~ is the governing authority for Western ~~state~~ Colorado university. The board of trustees ~~shall be~~ is, and is hereby declared to be, a body corporate and, as such and by the names designated in this section, may:

(I) Acquire and hold property for the use of Western ~~state~~ Colorado university;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) Be a party to all suits and contracts; and

(III) Do all things necessary to carry out the provisions of this ~~article~~ ARTICLE 56 in like manner as municipal corporations of this state, including but not limited to the power to demand, receive, hold, and use for the best interests of Western ~~state~~ Colorado university such money, lands, or other property as may be donated or devised to or for the university.

(b) The board of trustees and its successors ~~shall~~ have perpetual succession, ~~shall~~ have a seal, may make bylaws and regulations for the well-ordering and governance of Western ~~state~~ Colorado university, and may conduct the business of the university in a manner not repugnant to the constitution and laws of this state. The board of trustees shall elect from the appointed members a chairperson, whose duties and responsibilities ~~shall be~~ ARE prescribed in the duly adopted bylaws of the board of trustees. The board of trustees shall also elect a secretary and a treasurer, who are not members of the board and whose duties and responsibilities ~~shall be~~ ARE prescribed in the duly adopted bylaws of the board of trustees. The staff of Western ~~state~~ Colorado university shall provide staff support for the board of trustees.

(3) The tenth member of the board of trustees ~~shall be~~ is a full-time junior or senior student at Western ~~state~~ Colorado university, elected by the members of the student body of Western ~~state~~ Colorado university. The term of the student member ~~shall be~~ is one year, beginning July 1, 2003, and beginning July 1 each year thereafter. The student member ~~shall be~~ is advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402. ~~C.R.S.~~ The student member shall have resided in the state of Colorado for not less than three years prior to the student's election.

(4) The eleventh member ~~shall be~~ is a member of the faculty of Western ~~state~~ Colorado university elected by other members of the faculty for a term of two years, beginning July 1, 2003, and beginning July 1 every odd-numbered year thereafter. The faculty member ~~shall be~~ is advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402. ~~C.R.S.~~

(6) Except as otherwise provided in this subsection (6), the powers, duties, and functions formerly performed by the trustees of the state colleges in Colorado with respect to Western ~~state~~ Colorado university are hereby transferred to the board of trustees. Policies, resolutions, procedures, and agreements previously approved by the trustees of the state colleges in Colorado and applicable to Western ~~state~~ Colorado university ~~shall~~ remain in force and effect unless and until changed by the board of trustees.

(7) In addition to those powers conferred elsewhere in this ~~article~~ ARTICLE 56, the board of trustees has the power to:

(a) Appoint a president of Western ~~state~~ Colorado university;

SECTION 3. In Colorado Revised Statutes, 23-56-103, **amend** (1) and (2); and **add** (5) as follows:

23-56-103. Board of trustees for Western Colorado university fund - creation - control - use - repeal. (1) There is created in the state treasury the board of trustees for Western ~~state~~ Colorado university fund, referred to in this section as the "fund", which ~~shall be~~ IS under the control of and administered by the board of trustees in accordance with the provisions of this ~~article~~ ARTICLE 56. Except as otherwise allowed by state law, including but not limited to section 24-36-103 (2), C.R.S., all ~~moneys~~ MONEY received or acquired by the board of trustees or by Western ~~state~~ Colorado university ~~shall~~ MUST be deposited in the fund, whether received by appropriation, grant, contract, or gift or by sale or lease of surplus real or personal property or by any other means, whose disposition is not otherwise provided for by law. All interest and income derived from the deposit and investment of ~~moneys~~ MONEY in the fund ~~shall be~~ IS credited to the fund. The ~~moneys~~ MONEY in the fund ~~are hereby~~ IS continuously appropriated to the board of trustees and ~~shall remain~~ REMAINS in the fund and shall not be transferred or revert to the general fund of the state at the end of a fiscal year.

(2) The ~~moneys~~ MONEY in the fund ~~shall remain~~ REMAINS under the control of the board of trustees and ~~shall~~ MUST be used for the payment of salaries and operating expenses of the board of trustees and of Western ~~state~~ Colorado university and for the payment of any other expenses incurred by the board of trustees in carrying out its powers and duties.

(5) (a) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE BOARD OF TRUSTEES FOR WESTERN STATE COLORADO UNIVERSITY FUND AS OF JULY 15, 2019, TO THE BOARD OF TRUSTEES FOR WESTERN COLORADO UNIVERSITY FUND.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2020.

SECTION 4. In Colorado Revised Statutes, **amend** 23-56-104 as follows:

23-56-104. Status and control. The buildings and premises of the Western ~~state~~ Colorado university ~~shall~~ form a part of the school system of the state and ~~shall be~~ ARE controlled and managed by the board of trustees.

SECTION 5. In Colorado Revised Statutes, **amend** 23-56-105 as follows:

23-56-105. Board of trustees empowered to lease grounds. For the purpose of providing dormitories, living and dining halls, or cottages and equipment for the use of Western ~~state~~ Colorado university, and to enable the construction, financing, and ultimate acquisition thereof, and to aid in improving undeveloped portions of the grounds of the Western ~~state~~ Colorado university, the board of trustees is empowered to lease grounds under its control to private persons or corporations for a term not exceeding fifty years and subject to regulations as it may prescribe, and upon the condition that the private persons or corporations shall construct and equip on the leased grounds buildings or improvements as the board of trustees designates or approves and secure reimbursement for money invested therein from the rentals of the buildings or from their sale to the board of trustees acting for the state.

SECTION 6. In Colorado Revised Statutes, **amend** 23-56-106 as follows:

23-56-106. No authority to obligate state. Nothing in this article shall constitute ARTICLE 56 CONSTITUTES authority to enter into a contract which THAT in any way creates a debt or obligation upon the state on account of the construction of buildings or improvements; but buildings and improvements erected on lands under the control of the board of trustees and devoted to the uses of Western state Colorado university under the terms of this article ARTICLE 56 and the leasehold interest shall be ARE exempt from taxation so far as permitted by the state constitution.

SECTION 7. In Colorado Revised Statutes, 23-1-108, **amend** (7)(g)(II)(F) as follows:

23-1-108. Duties and powers of the commission with regard to systemwide planning - reporting - definitions. (7) (g) As used in this subsection (7), unless the context otherwise requires:

(II) "State institution of higher education" means a public postsecondary institution that is governed by:

(F) The board of trustees of Western state Colorado university;

SECTION 8. In Colorado Revised Statutes, 23-1-113.3, **amend** (2)(a) and (3) introductory portion as follows:

23-1-113.3. Commission directive - basic skills courses - report.
(2) (a) Adams state university, Colorado Mesa university, Western state Colorado university in Chaffee and Gunnison counties, any local community college, and any community college governed by the state board for community colleges and occupational education may offer basic skills courses, as defined in section 23-1-113 (11)(b), and receive stipend payments from the state on behalf of eligible undergraduate students, as defined in section 23-18-102 (5), enrolled in basic skills courses.

(3) The state board for community colleges and occupational education, local community colleges, Adams state university, Colorado Mesa university, and Western state Colorado university shall:

SECTION 9. In Colorado Revised Statutes, 23-1-113.5, **amend** (2) as follows:

23-1-113.5. Commission directive - resident admissions - report - definitions.
(2) (a) The provisions of subsection (1) of this section regarding the fraction of students who are in-state students attending the Colorado school of mines shall also apply to western state WESTERN Colorado university.

(b) Repealed.

(c) After one hundred percent of all qualified Colorado applicants have been accepted by Adams state university, Colorado Mesa university, and Western state Colorado university, the provisions of subsection (1) of this section regarding the fraction of students who are in-state students shall cease CEASES to apply to said three state institutions of higher education.

(d) After one hundred percent of all qualified Colorado applicants have been accepted by Adams state university, Fort Lewis college, Colorado Mesa university, and Western state Colorado university, the provisions of subsection (1) of this section regarding the fraction of students who are in-state students ~~shall cease~~ CEASES to apply to said four state institutions of higher education.

SECTION 10. In Colorado Revised Statutes, 23-1-127, **amend** (1) and (3) as follows:

23-1-127. Commission directive - regional education providers - criteria.

(1) The general assembly finds, determines, and declares that:

(a) The Colorado commission on higher education can better serve the citizens of this state by providing oversight and direction for the provision of regional education at Adams state university, Colorado Mesa university, and Western state Colorado university; and

(b) As regional education providers, Adams state university, Colorado Mesa university, and Western state Colorado university shall have as their primary goal the assessment of regional educational needs and, in consultation with the Colorado commission on higher education, the allocation of resources for the purposes of meeting those needs.

(3) The Colorado commission on higher education shall, in consultation with Adams state university, Colorado Mesa university, and Western state Colorado university, establish the criteria for designation as a regional education provider.

SECTION 11. In Colorado Revised Statutes, 23-5-101.5, **amend** (4) introductory portion, (4)(j) introductory portion, (6) introductory portion, and (6)(d) as follows:

23-5-101.5. Enterprise status of auxiliary facilities - definitions. (4) The following auxiliary facilities ~~shall be~~ ARE designated as enterprises in accordance with the requirements of this section:

(j) Western state Colorado university:

(6) Notwithstanding ~~paragraph (a) of subsection (3)~~ SUBSECTION (3)(a) of this section relating to the designation of auxiliary facilities as enterprises:

(d) Any auxiliary facilities of Western state Colorado university that were a part of any state colleges enterprise pursuant to ~~paragraph (g) of subsection (4)~~ SUBSECTION (4)(g) of this section in existence prior to the establishment of the board of trustees of Western state Colorado university in section 23-56-102 shall, as they relate to Western state Colorado university, be designated enterprises of the board of trustees of Western state Colorado university.

SECTION 12. In Colorado Revised Statutes, 23-5-101.7, **amend** (1) as follows:

23-5-101.7. Enterprise status of institutions of higher education. (1) As used in this section, unless the context otherwise requires, "institution of higher

education" or "institution" means the Colorado state university - Pueblo, Adams state university, Colorado Mesa university, Metropolitan state university of Denver, Fort Lewis college, Western ~~state~~ Colorado university, the university of northern Colorado, Colorado school of mines, the university of Colorado, Colorado state university, and all community colleges governed by the state board for community colleges and occupational education.

SECTION 13. In Colorado Revised Statutes, 23-5-106, **amend** (1) as follows:

23-5-106. Authority of governing boards - general - health care insurance - contracts of indemnity. (1) The governing board of any state institution of higher education has the authority to promulgate rules and regulations for the safety and welfare of students, employees, and property, to promulgate rules and regulations necessary for the governance of the respective institutions, and to promulgate rules and regulations deemed necessary to carry out the provisions of sections 23-5-106 to 23-5-110. Western ~~state~~ Colorado university shall not refuse to admit any Colorado resident qualified in accordance with applicable Colorado commission on higher education admission standards.

SECTION 14. In Colorado Revised Statutes, **amend** 23-5-117 as follows:

23-5-117. Governing boards - delegation of personnel power. The governing board of any state-supported institution of higher education, including the Auraria higher education center established in article 70 of this ~~title~~ TITLE 23, may delegate all or part of its power over personnel matters, including the power to hire or to fire employees exempt from the personnel system, to the chief executive officer of the institution governed by such board. The governing board may authorize the chief executive officer to delegate to other officers of the institution any power so delegated pursuant to this section. The governing board of each state-supported institution of higher education, except the university of Colorado, Colorado state university, the university of northern Colorado, the Colorado school of mines, Fort Lewis college, Adams state university, Colorado Mesa university, Western ~~state~~ Colorado university, or Metropolitan state university of Denver, after consultation with faculty representatives chosen by the faculty, shall prepare, enact, promulgate, administer, and maintain in place policies and practices which afford due process procedures for those faculty members exempt from the state personnel system who are terminated, including terminations resulting from reductions in force.

SECTION 15. In Colorado Revised Statutes, 23-5-124, **amend** (6)(c)(X) as follows:

23-5-124. Student enrollment - prohibition - public peace and order convictions - definitions. (6) For purposes of this section, unless the context otherwise requires:

(c) "State-supported institution of higher education" means any postsecondary institution that is governed by:

(X) The board of trustees for Western ~~state~~ Colorado university;

SECTION 16. In Colorado Revised Statutes, 23-5-127, **amend** (4)(b) as follows:

23-5-127. Unique student identifying number - social security number - prohibition. (4) (b) Adams state university, Colorado Mesa university, Western state Colorado university, and Metropolitan state university of Denver shall implement the provisions of ~~paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION on or before July 1, 2008. All other postsecondary institutions shall implement the provisions of ~~paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION on or before July 1, 2009.

SECTION 17. In Colorado Revised Statutes, 23-7.4-302, **amend** (3)(a) as follows:

23-7.4-302. Tuition for members of the National Guard - definitions. (3) (a) For purposes of this section, "designated institution of higher education" means the Colorado state university - Pueblo, Adams state university, Colorado Mesa university, Metropolitan state university of Denver, Fort Lewis college, Western state Colorado university, all independent area technical colleges, all local district colleges, the university of northern Colorado, the university of Colorado at Boulder, the university of Colorado at Denver, the university of Colorado at Colorado Springs, Colorado state university, the Colorado school of mines, the university of Colorado health sciences center, all community colleges governed by the state board for community colleges and occupational education, and any private institution of higher education in Colorado that qualifies for the college opportunity fund pursuant to article 18 of this title 23 and that offers an accredited certificate or degree program in homeland security. For a member of the Colorado National Guard enrolled in a private institution of higher education, tuition assistance is limited to the completion of the accredited certificate or degree program in homeland security and is provided at the discretion of the adjutant general of the department of military and veterans affairs.

SECTION 18. In Colorado Revised Statutes, 23-18-102, **amend** (10)(a)(VI) as follows:

23-18-102. Definitions. As used in parts 1 and 2 of this article 18, unless the context otherwise requires:

(10) (a) "State institution of higher education" means a public postsecondary institution that is governed by:

(VI) The board of trustees of Western ~~state~~ Colorado university;

SECTION 19. In Colorado Revised Statutes, 24-1-114, **amend** (4)(k) as follows:

24-1-114. Department of higher education - creation. (4) For the purposes of section 22 of article IV of the state constitution, the following are allocated to the department of higher education but shall otherwise continue to be administered as provided by law:

(k) The board of trustees for Western ~~state~~ Colorado university, created by article 56 of title 23; ~~C.R.S.;~~

SECTION 20. In Colorado Revised Statutes, **amend** 38-2-105 as follows:

38-2-105. Higher education governing boards have right of eminent domain.

The regents of the university of Colorado, the board of governors of the Colorado state university system for Colorado state university and Colorado state university - Pueblo, the board of trustees for Fort Lewis college, the board of trustees of the Colorado school of mines, the board of trustees for the university of northern Colorado, the board of trustees for Adams state university, the board of trustees for Colorado Mesa university, the board of trustees for Western ~~state~~ Colorado university, and the board of trustees for Metropolitan state university of Denver have the power to acquire real property, which they may deem necessary, by the exercise of eminent domain through condemnation proceedings in accordance with law.

SECTION 21. Effective date. This act takes effect July 1, 2019.

SECTION 22. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2019